



Office of the Director

150 N. 18th Avenue, Suite 500
Phoenix, Arizona 85007-3247
(602) 542-1025
(602) 542-1062 FAX
Internet: www.azdhs.gov

JANICE K. BREWER, GOVERNOR
WILL HUMBLE, DIRECTOR

Proposition 203 – Arizona Medical Marijuana Act Frequently Asked Questions

What is Proposition 203 or the Arizona Medical Marijuana Act?

Proposition 203 would allow a "qualifying patient" who has a "debilitating medical condition" to obtain an "allowable amount of marijuana" from a "nonprofit medical marijuana dispensary" and to possess and use the marijuana (cannabis) to treat or alleviate the debilitating medical condition or symptoms associated with the condition. The Arizona Department of Health Services (ADHS) would be required to adopt and enforce a regulatory system for the distribution of marijuana for medical use, including a system for approving, renewing and revoking the registration of qualifying patients, designated caregivers, nonprofit dispensaries, and dispensary agents. The costs of the regulatory system would be paid from application and renewal fees collected, civil penalties imposed, and private donations received pursuant to this proposition.

Who Would Qualify to Receive a Medical Marijuana Card?

A "qualifying patient" is defined in Proposition 203 as a person who has been diagnosed by a physician (a doctor of medicine, osteopathy, naturopathic medicine, or homeopathy) as having one of the following debilitating medical conditions:

- Cancer
- Glaucoma
- Positive status for human immunodeficiency virus
- Acquired immune deficiency syndrome
- Hepatitis C
- Amyotrophic lateral sclerosis
- Crohn's disease
- Agitation of Alzheimer's disease
- A chronic or debilitating disease or medical condition that produces any of the following:
 - Cachexia or wasting syndrome
 - Severe and chronic pain
 - Severe nausea
 - Seizures (including those characteristic of epilepsy) or
 - Severe and persistent muscle spasms (including those characteristic of multiple sclerosis)

How would a person register?

A qualifying patient would have to submit a signed written certification issued by the physician that stated that in the physician's professional opinion the patient would likely receive therapeutic or symptom-relieving benefits from the medical use of marijuana to treat or alleviate a debilitating medical condition. The certification would have to specify the debilitating medical condition and be made in the course of a physician-patient relationship after the physician had completed a full assessment of the patient's medical history. If the qualifying patient were under 18 years of age, the patient's custodial parent or legal guardian would have to submit written certifications from two physicians, and the custodial parent or legal guardian would have to consent in writing to control the patient's medical use of the marijuana.

How much marijuana could a qualifying patient buy?

A qualifying patient registered with ADHS (or a registered designated caregiver on behalf of the qualifying patient) would be able to obtain up to 2.5 ounces of marijuana in a 14-day period from a registered nonprofit medical marijuana dispensary. If the qualifying patient's home were located more than 25 miles from the nearest nonprofit medical marijuana dispensary, the patient or designated caregiver would be able to cultivate up to 12 marijuana plants in an enclosed, locked facility.

How would the dispensaries work?

A medical marijuana dispensary registered with ADHS would have to be operated on a not-for-profit basis, but could receive payment for all expenses incurred in its operation. ADHS would not be able to issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacy permits issued by the Arizona State Board of Pharmacy under current law. The dispensary would be able to cultivate marijuana only in an enclosed, locked facility and would be able to acquire marijuana from other registered nonprofit dispensaries or from a registered qualifying patient or designated caregiver if the patient or caregiver were not compensated for the marijuana. Proposition 203 specifies various security, record-keeping, and verification requirements a registered dispensary would have to follow relating to the operation of the dispensary.

What protections would the card provide to the patient?

Proposition 203 would generally provide that any person who acted in conformity with the requirements of the proposition would not be subject to any governmentally imposed sanction relating to the medical use of marijuana.

This proposition would prohibit certain discriminatory practices, including:

1. A school or landlord would not be able to refuse to enroll or lease to a person registered pursuant to this proposition unless failing to do so would cause the school or landlord to lose a monetary or licensing benefit under federal law;
2. An employer would not be able to discriminate against a person registered pursuant to this proposition in hiring, terminating, or imposing employment conditions unless failing to do so would cause the employer to lose a monetary or licensing benefit under federal law; and
3. An employer would not be able to penalize a qualifying patient registered pursuant to this proposition for a positive drug test for marijuana, unless the patient used, possessed, or was impaired by marijuana on the employment premises or during hours of employment.

What would still be prohibited?

Proposition 203 would not:

- Authorize a person to undertake any task under the influence of marijuana that constituted negligence or professional malpractice.
- Authorize possessing or using medical marijuana on a school bus, on the grounds of a preschool, primary school, or high school, or in a correctional facility.
- Authorize smoking marijuana on public transportation or in a public place.
- Authorize operating, navigating, or being in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana. A registered qualifying patient would not be considered to be under the influence of marijuana solely because of the presence of marijuana in the person's system that appears in a concentration insufficient to cause impairment.
- Require a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana.
- Require an owner of private property to allow the use of marijuana on that property.
- Require an employer to allow the ingestion of marijuana in the workplace.
- Prevent a nursing care or other residential or inpatient healthcare facility from adopting reasonable restrictions on the provision, storage and use of marijuana by residents or patients.

If Proposition 203 passes, how would I apply for a card or to operate a Dispensary?

If Proposition 203 passes, ADHS would begin a rulemaking process (including public hearings) to flesh out the details regarding applications and application fees for dispensaries and the issuance of cards. This process would likely take about 120 days. Since the election will be on November 2, and the election will likely be certified around the end of November, the criteria for applying for cards and dispensaries would be established around April 1, 2011. At that point, ADHS would begin accepting applications for cards and to operate dispensaries with the process specified in rule. ADHS' goal would be to create an on-line application procedure for cards and dispensaries.

At what point would I be able to apply for a card or to operate a dispensary?

Assuming the initiative passes, it would likely take until April 1, 2011 for the ADHS to finish the regulations and begin accepting applications for medical marijuana.

If Proposition 203 passes, how can I stay in touch with what is happening?

If the initiative passes, the process for applying for a card or to become a dispensary would be specified in rule. ADHS would update a website for the rulemaking with developments and begin an electronic e-mail correspondence list. Persons that would like updates regarding the rulemaking process and other administrative news would be able to sign up to receive electronic updates.